

87th Legislative Session – 2012

Committee: Senate Agriculture and Natural Resources

Thursday, February 09, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Begalka
P Frerichs
P Frysliie
P Hansen (Tom)
P Rampelberg
P Rhoden
P Vehle
P Maher, Vice-Chair
P Krebs, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Shantel Krebs, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 7, 2012

Moved by: Hansen (Tom)
Second by: Frerichs
Action: Prevailed by voice vote.

SB 160: create the North Central Water Development District, to provide for the appointment of the board of directors, to establish certain property tax levy limitations, and to revise the boundaries of the James River Water Development District.

Presented by: Senator Al Novstrup

GAVEL PASSED TO SENATOR RYAN MAHER, VICE CHAIR

GAVEL PASSED BACK TO SENATOR SHANTEL KREBS, CHAIR

MOTION: RECONSIDER SB 160

Moved by: Begalka
Second by: Maher
Action: Prevailed by voice vote.

MOTION: CONSIDER SB160 AT THIS TIME

Moved by: Fryslie
Second by: Begalka
Action: Prevailed by voice vote.

MOTION: AMEND SB 160

160ta

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 46A-3A be amended by adding thereto a NEW SECTION to read as follows:

The James River Water Development District established pursuant to § 46A-3A-4 is hereby dissolved. The Board of Water and Natural Resources shall exercise the necessary power and authority of the water development district board of directors pursuant to § 46A-3C-5 until all financial responsibilities, obligations, and other contractual commitments of the dissolved water development district are satisfied. The Board of Water and Natural Resources, by mutual agreement with any successor water development district operating in substantially the same area as the James River Water Development District, may transfer such financial responsibilities, obligations, and contractual commitments, as well as property and assets to the successor water development district.

Section 2. That § 46A-3A-4 be repealed.

~~— 46A-3A-4. The James River Water Development District is hereby established. The James River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison, Hand, Hanson, Hutchinson, Marshall, and Yankton counties; Farmington, Homer, Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley, Butler, Oak, Troy, and York townships in Day County; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell, Beaver, and Rock Creek townships in Miner County; and Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine, Plankinton, Hopper,~~

~~Pleasant Lake, Dudley, and Aurora townships in Aurora County.~~

Section 3. That chapter 46A-3A be amended by adding thereto a NEW SECTION to read as follows:

The James Basin Water Development District is hereby established. The James Basin water Development District shall function under the provisions of chapters 46A-3A to 46A-3E, inclusive, except as otherwise provided in this Act. The James Basin Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison, Hand, Hanson, Hutchinson, Marshall, and Yankton counties; Farmington, Homer, Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley, Butler, Oak, Troy, and York townships in Day County; Redstone, Carhage, Miner, Green Valley, Clinton, Roswell, Beaver, and Rock Creek townships in Miner County; and Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County.

Section 4. That chapter 46A-3B be amended by adding thereto a NEW SECTION to read as follows:

The Governor shall appoint the initial board of directors of the James Basin Water Development District. The initial board shall consist of nine directors, who shall represent the same director areas as were designated for the James River Water Development District at the time of its dissolution. The terms of the initial directors shall expire on January 1, 2015. At the 2014 general election, four directors shall be elected to two-year terms, and five directors shall be elected to four-year terms. Directors shall thereafter be elected to four-year terms at each subsequent general election to succeed those directors whose terms expire at the end of the year in which the election is held."

Moved by: Begalka
Second by: Maher
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 160

160tb

On the printed bill, delete everything after the enacting clause and insert:

"

Section 1. The Legislature may dissolve the James River Water Development District."

Moved by: Rhoden
Second by: Frerichs
Action: Prevailed by voice vote.

MOTION: DO PASS SB 160 AS AMENDED

Moved by: Rhoden
Second by: Maher
Action: Prevailed by roll call vote. (7-1-1-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rhoden, Maher, Krebs

Voting No: Rampelberg

Excused: Vehle

MOTION: AMEND TITLE OF SB 160

160tta

On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise certain provisions relating to the James River Water Development District."

On page 1, delete lines 2 to 4, inclusive.

Moved by: Rhoden
Second by: Maher
Action: Prevailed by voice vote.

LARRY STEARNS, DEPARTMENT OF AGRICULTURE INTRODUCED:

Curt Mortenson, Ft. Pierre SD

Bart Blum, Reliance, SD

MOTION: CONFIRM REAPPOINTMENT OF CURT MORTENSON OF STANLEY COUNTY, FT. PIERRE, SOUTH DAKOTA, TO THE STATE BRAND BOARD.

Moved by: Rhoden
Second by: Rampelberg
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Rhoden, Maher, Krebs

Excused: Vehle

MOTION: PLACE REAPPOINTMENT OF CURT MORTENSON, STANLEY COUNTY, FT. PIERRE, SOUTH DAKOTA, TO THE STATE BRAND BOARD ON THE CONSENT CALENDAR.

Moved by: Rhoden
Second by: Rampelberg
Action: Prevailed by voice vote.

MOTION: CONFIRM REAPPOINTMENT OF BART BLUM OF LYMAN COUNTY, SOUTH DAKOTA, TO THE STATE BRAND BOARD.

Moved by: Hansen (Tom)
Second by: Frerichs
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Rhoden, Maher, Krebs

Excused: Vehle

MOTION: PLACE REAPPOINTMENT OF BART BLUM, LYMAN COUNTY, RELIANCE, SOUTH DAKOTA, TO THE STATE BRAND BOARD ON THE CONSENT CALENDAR.

Moved by: Hansen (Tom)
Second by: Rhoden
Action: Prevailed by voice vote.

HB 1018: repeal certain obsolete or unnecessary provisions pertaining to the Department of Game, Fish and Parks.

Presented by: Jeff Vonk, Department of Game, Fish and Parks

MOTION: DO PASS HB 1018

Moved by: Fryslie
Second by: Hansen (Tom)
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Rhoden, Maher, Krebs

Excused: Vehle

MOTION: PLACE HB 1018 ON CONSENT CALENDAR

Moved by: Hansen (Tom)

Second by: Rampelberg

Action: Prevailed by voice vote.

HB 1020: authorize the Department of Game, Fish and Parks to sell the Marcotte Tract located within the Marcotte Game Production Area in Meade County to the City of Sturgis.

Presented by: Tony Leif, Department of Game, Fish and Parks (Handouts: #1)

MOTION: DO PASS HB 1020

Moved by: Fryslie

Second by: Frerichs

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Rhoden, Vehle, Maher, Krebs

MOTION: PLACE HB 1020 ON CONSENT CALENDAR

Moved by: Fryslie

Second by: Rampelberg

Action: Failed by voice vote.

HB 1036: establish and revise certain provisions and penalties related to the regulation of grain warehouses, grain buyers, and warehouse receipts.

Presented by: Jim Mehlhaff, Public Utilities Commission

Proponents: Kathleen Zander, SD Grain and Feed Association
Brenda Forman, SD Association of Cooperatives

MOTION: DO PASS HB 1036

Moved by: Rampelberg

Second by: Vehle

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Rhoden, Vehle, Maher, Krebs

MOTION: PLACE HB 1036 ON CONSENT CALENDAR

Moved by: Vehle

Second by: Rampelberg

Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1037 UNTIL TUESDAY, FEBRUARY 14, 2012

MOTION: ADJOURN

Moved by: Fryslie

Second by: Vehle

Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Shantel Krebs, Chair

Committee Agenda
Revised

Committee: Senate Commerce and Energy
Room: 423
Date: Thursday, February 9, 2012
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

- SB 178 **amend the criteria for construction manager engagement.**
Senators Krebs, Hunhoff (Jean), and Lederman and Representatives Brunner and Hunt
- SB 184 **prohibit hiring discrimination on the basis of current employment status.**
Senators Buhl, Hundstad, Lederman, Sutton, and Tieszen and Representatives Blake, Hawley, and Jones
- SB 112 **remove the limitation on the number of retail gaming licenses in Deadwood in which a person may have a financial interest.**
Senators Nelson (Tom), Juhnke, Krebs, Lederman, Maher, and Rampelberg and Representatives Turbiville, Abdallah, Gibson, Kirkeby, Romkema, Stricherz, and Willadsen
- SB 144 **amend provisions regarding captive insurance companies.**
Senators Lederman, Frerichs, Maher, Nelson (Tom), and Rampelberg and Representatives Miller, Hansen (Jon), Kloucek, and Rozum
- SB 185 **provide an exception from the statutory requirements for persons taking steps towards self-employment and to allow them to collect unemployment compensation.**
Senators Buhl, Adelstein, Frerichs, Hundstad, Nygaard, Sutton, and Tieszen and Representatives Killer, Blake, Fargen, Hawley, Jones, and Lucas
- SB 108 **revise the maximum bet limit for Deadwood gaming.**
Senators Nelson (Tom), Adelstein, Lederman, Maher, and Rampelberg and Representatives Hoffman, Abdallah, Romkema, Rozum, Solum, Turbiville, and Verchio
- SB 158 **create an exception to the loan or credit limitations of state chartered banks.**
Senators Juhnke, Maher, Nygaard, Rampelberg, and Rave and Representatives Perry, Cronin, Fargen, Solum, and Street

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

- SB 166 **require evidence of financial responsibility at the time of vehicle registration, to provide for a motor vehicle insurance data base, and to provide for the administration thereof.**
Senators Vehle, Brown, Frerichs, Fryslie, Maher, Olson (Russell), and Tieszen and Representatives Munsterman, Boomgarden, Magstadt, Rozum, and Sigdestad
- SB 94 **establish a pilot uninsured motorist identification database program and to make an appropriation therefor.**
Senators Peters, Brown, Haverly, Holien, Juhnke, Kraus, Lederman, Maher, Nelson (Tom), Novstrup (Al), Olson (Russell), Rampelberg, Rhoden, Schlekeway, Sutton, and Tidemann and Representatives Hawley, Abdallah, Boomgarden, Brunner, Conzet, Cronin, Deelstra, Dryden, Gibson, Gosch, Hansen (Jon), Hickey, Kirkeby, Kopp, Lucas, Magstadt, Moser, Munsterman, Olson (Betty), Perry, Rausch, Romkema, Solum, Street, Turbiville, White, and Willadsen

TOM NELSON, Chair

Committee Agenda

Committee: Senate Education
Room: 423
Date: Thursday, February 9, 2012
Time: 7:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

SB 139 **establish the Teach for America grant program within the Department of Education and to make an appropriation therefor.**

Senators Heineman, Adelstein, Johnston, Kraus, and Tidemann and Representatives Sly, Blake, Brunner, Dennert, Elliott, Fargen, Feickert, Gibson, Hawley, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman, Kloucek, Lucas, Miller, Olson (Betty), Schrempp, Sigdestad, Street, and Wismer

SB 77 **provide for the establishment of a scholarship program for postsecondary technical institute students and to make an appropriation therefor.**

Senator Olson (Russell) and Representative Fargen

SB 85 **revise the calculation of the small school adjustment in the state aid to education formula, and to provide for the redistribution of certain funds appropriated for state aid to education.**

Senators Tidemann, Gray, Haverly, Hunhoff (Jean), Kraus, Krebs, Nelson (Tom), Peters, Rempelberg, Rave, and Tieszen and Representatives Dryden, Abdallah, Brunner, Conzet, Gosch, Hunt, Kirkeby, Lust, Romkema, Solum, Tornow, Turbiville, and White

SB 98 **provide for a pilot program initiating two mathematics and science academies and to make an appropriation therefor.**

Senators Johnston, Schlekeway, and Tieszen and Representatives Perry and Munsterman

SB 122 **establish a funding formula for institutions under the control of the Board of Regents.**

Senator Gray and Representatives Perry and Rausch

SB 138 **revise the state aid to education formula and to make an appropriation.**

Senator Olson (Russell) and Representative Lust

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

SB 44 **encourage school districts to adopt a bullying policy and to establish a model bullying policy.**

The Committee on Judiciary at the request of the Office of the Attorney General

SB 130 **require the school board of each school district to adopt a policy prohibiting bullying.**

Senators Lederman, Adelstein, Gray, Schlekeway, and Sutton and Representative Sly

ANY BILLS NOT HEARD WILL BE CONTINUED FROM 4:00 TO 6:00 P.M. ON THURSDAY, FEBRUARY 9, 2012 IN ROOM 423

J. MARK JOHNSTON, Chair

Committee Agenda

Committee: Senate Judiciary
Room: 413
Date: Thursday, February 9, 2012
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

- SB 146 **provide for an affirmative defense of compulsion for the crime of prostitution.**
Senators Cutler, Krebs, and Peters and Representatives Moser, Blake, Elliott, Gibson, Gosch, Hickey, Kirkeby, Lucas, Magstadt, Rozum, Sigdestad, and Street
- SB 52 **provide for point of sale collection of the prepaid wireless 911 emergency surcharge.**
The Committee on Judiciary at the request of the 911 Coordination Board
- SB 148 **revise certain provisions relating to battery committed against infants and unborn children.**
Senators Rave, Cutler, Holien, and Tieszen and Representatives Hunt, Gosch, Lust, and Turbiville
- HB 1055 **allow for joint physical custody orders after a court awards joint legal custody if in the best interest of the child.**
Representatives Gosch, Abdallah, Feinstein, Hunt, Lust, Rausch, and Turbiville and Senators Cutler, Gray, Olson (Russell), Tieszen, and Vehle
- SB 60 **provide for the award of joint physical custody of children under certain circumstances.**
Senators Begalka, Bradford, Frerichs, Gray, Lederman, Olson (Russell), and Schlekeway and Representatives Magstadt, Dennert, Greenfield, Haggar, Hansen (Jon), Hickey, Hoffman, Hubbel, Jensen, Nelson (Stace), Olson (Betty), Russell, Stricherz, Tornow, and Wick
- SB 10 **revise certain provisions pertaining to boating while under the influence.**
The Committee on Judiciary at the request of the Department of Game, Fish and Parks
- SB 172 **toll any conviction for operation of a boat while under the influence when calculating the number of offenses for enhancement of a driving under the influence charge.**
Senator Tieszen and Representative Hansen (Jon)
- SB 181 **repeal certain tort liability arising out of causes of action based on seduction, abduction, and alienation of affectons.**
Senators Adelstein, Begalka, Bradford, Buhl, Cutler, and Lederman and Representatives Magstadt, Gibson, Haggar, Kirkeby, Olson (Betty), Stricherz, Tornow, and Turbiville

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

- SB 183 **establish the elements of the offense of juvenile sexting and to provide a penalty therefor.**
Senators Vehle, Cutler, Fryslie, Holien, Maher, Nygaard, Olson (Russell), Rhoden, Schlekeway, and Tidemann and Representatives Hoffman, Gosch, Rozum, Street, Tulson, Verchio, and Wismer

Meeting will be recessed by 10:00 a.m. and continued at noon, if necessary.

CRAIG TIESZEN, Chair